

IN THEIR OWN WORDS: OPPOSING PREEMPTION ACROSS THE POLITICAL SPECTRUM

The loss of local control due to state or federal “preemption” is a national trend and, as illustrated by these quotes, of great concern to local policymakers and advocates regardless of partisan affiliations. Use these as a resource to develop messaging appropriate for your audience.

QUOTES FROM THE FIELD

For audiences likely to support keeping control in the hands of the community:

“Local governments are on the frontlines in the fight to protect public health and safety and set modern workplace standards. But as more communities try to enact local health, wage and workplace reforms, they are being blocked by state ‘preemption’ laws that strip local governments of their law-making authority. That happens when state legislators interfere in the democratic process and stop the people of a local community from passing their own laws.”

- Rockefeller Family Fund, *Protecting Local Control: A Research & Messaging Toolkit*

“In Pennsylvania, lawmakers twice tried and twice failed to pass a bill prohibiting local governments from passing their own local earned sick days measures. Such ‘preemption’ bills are a favorite of the American Legislative Exchange Council, or ALEC, as a way to stop local action raising standards for working families.”

- Ellen Bravo, Executive Director, Family Values @ Work

“This session, there were more than 20 preemption bills being considered. They vary from forcing all Florida municipalities to have their elections on the same day to taking away cities’ rights to control fracking within their boundaries...”

“I am a firm believer in home rule, a simple concept that recognizes that the government closest to the people governs best. And I believe Windermere knows what is best for Windermere — not Tallahassee and not Washington. And by us staying engaged and supporting our fellow municipalities, we are stronger together.”¹

- Mayor Gary Bruhn, Windermere, Florida

“HB 2595 [preempting local authority over nutrition, food policy, and farming practices] would restrict local regulation and decision-making on public health issues relating to nutrition. KAC is concerned with another state encroachment on local control.”²

- Melissa Wangemann, general counsel for the Kansas Association of Counties

“Efforts to expand local food systems including farmers’ markets, community gardens, hoop house production, or other community efforts that support the growth of farm to consumer food access are all at risk of mired growth and economic vitality with this bill.”³

- Kansas Rural Center, on HB 2595 [preempting local authority over nutrition, food policy, and farming practices]

*“This bill could effectively tie the hands of local governments trying to retain local grocery stores in rural areas... It could also potentially harm the work that we’re doing in urban areas to try and attract grocery stores and increase food access in low-income areas.”*⁴

- Ashley Jones-Wisner, KC Healthy Kids, on HB 2595

*“I stand here in support of our mayor and our partners.... We see our city power being attacked by Columbus. I support the measure -- our ability and our right to govern ourselves is being eroded.”*⁵

- Phyllis Cleveland, Cleveland City Council regarding the city’s ban on trans fats in restaurant foods

*“The state’s...amendment to the Ohio Revised Code taking away our ability to enforce this important health regulation is yet another attempt by the state to erode the Home Rule Authority that we have a [state] constitutional right to.”*⁶

- Mayor Frank Jackson, Cleveland

*“The government closest to the people is the government best for the people... What you’re about to see is a lot of litigation between cities and state government.”*⁷

- Sen. Royce West (D-Dallas), speaking on his opposition to HB 40, Texas’ oil and gas preemption bill that passed in 2015

For audiences likely to value less regulation:

“Even if you agree that government shouldn’t tell business how to do business, a proposal in the Florida Legislature that would pre-empt local governments from exerting local control is bad public policy.”

- Sun Sentinel (Florida) Editorial Board (2013)

“Please keep local control and true limited, accountable government in mind the next time an ALEC model policy bill comes up.

“Think of how you would feel if the federal government said we can’t have a patchwork of 50 different states with different laws.”

- Mike Taylor, Unified Government of Wyandotte County & Kansas City (Kansas)

“HB 2595 would restrict local regulation and decision-making on public health issues relating to nutrition. KAC is concerned with another state encroachment on local control.”

- Melissa Wangemann, General Counsel for the Kansas Association of Counties

*“There was no threat of any city enacting a [food & beverage] portion control law... And yet, we have this far-reaching bill that’s getting into menu labeling and even limiting our ability to zone restaurants.”*⁸

*“You know what? If little Alligator, Miss., wanted to do that, that’s up to the people that live there. It is not up to the state to tell the people at the local level what to do... They’re just using this to mask what the bill is really about, which is about taking away home rule.”*⁹

- Mayor Chip Johnson (R), Hernando, Mississippi

“As policymakers in South Dakota, we often recite that the best government is the government closest to the people... [HB1008] removes the ability of local school districts to determine the most appropriate accommodations for their individual students and replaces that flexibility with a state mandate.

“If and when these rare situations arise, I believe local school officials are best positioned to address them. Instead of encouraging local solutions, this bill broadly regulates in a manner that invites conflict and litigation, diverting energy and resources from the education of the children of this state...

*“For these reasons, I oppose this bill and ask that you sustain my veto.”*¹⁰

- South Dakota Governor Dennis Daugaard (R), HB 1008 veto message (March 1, 2016)

*“Cities, the government closest to the people, embody the idea that ‘We the People’ should be in control. Cities provide the services we cannot do without. Those services reflect the will of the local taxpayers. They are not the kind of services people think of when they say they want less government.”*¹¹

- Texas Municipal League

*“I think the less regulation, the better... but there are times when we have to pass ordinances for the health and safety of our people. We’re here every day, and they’re in Austin once every two years.”*¹²

- Mayor Betsy Price (R), Fort Worth, Texas

*“It has seemed hypocritical that the state wants the federal government to give the states more power, yet at the state level, they want to take power away from cities and counties.”*¹³

- Council member Darren Hodges (R), Fort Stockton, TX, in support of his town’s decision to ban plastic bags

*“The state’s effort to undermine local control just might be big government at its worst: a solution that creates even more problems.”*¹⁴

- Editorial, San Antonio Express News

“Federal or state (ceiling) preemption of state and local authority can often be harmful from a public health standpoint because it can compromise the ability of public health practitioners to implement more stringent standards that may be important and well accepted in a local setting. Ceiling preemption also interferes with local control over local needs and with local-level accountability, and it could limit the ability of jurisdictions to meet the needs of constituents.”

- Institute of Medicine, For the Public’s Health: Revitalizing Law and Policy to Meet New Challenges

“[Preemption] slows or even ends grassroots movements, often before they begin. I think it also drains a lot of our resources for future advocacy efforts. We leave it to the next generation of public health advocates to undo policy compromises that we make today.”

- Jill Birnbaum, Vice President, American Heart Association, Dallas, Texas

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